



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lee Mizzen et al.  
Serial No. : 09/001,737  
Filed : December 31, 1997  
Title : STREPTOCOCCAL HEAT SHOCK PROTEINS OF THE HSP60 FAMILY

Art Unit : 1645  
Examiner : S. Devi, Ph.D.

Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES

In response to the Notice to Comply (a copy of which is enclosed) dated January 9, 2003, applicants submit copies of the following documents first submitted to the U.S. Patent and Trademark Office on September 14, 1998:

- ☒ Paper Copy of Sequence Listing; and
- ☒ Preliminary Amendment (inserting sequence identifiers throughout the application and directing entry of the paper copy of the sequence listing into the application).

Applicants thank the Examiner for the helpful telephone conversation with the undersigned on January 20, 2003. As discussed, applicants have previously submitted a preliminary amendment and paper copy of a sequence listing that are believed to have satisfied the requirements of the present Notice to Comply. Accordingly, copies of the submissions of September 14, 1998 are enclosed with this response. These prior submissions included a certificate of mailing by first class mail.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

January 30, 2003  
Date of Deposit

Kathryn Lugo  
Signature

KATHRYN LUGO  
Typed or Printed Name of Person Signing Certificate

Applicant : Lee Mizzen et al.  
Serial No. : 09/001,737  
Filed : December 31, 1997  
Page : 2

Attorney's Docket No.: 12071-014001 / SP-12 US

Please apply any charges or credits to Deposit Account No. 06-1050, referencing  
Attorney Docket No. 12071-014001.

Respectfully submitted,

Date: \_\_\_\_\_

*January 30, 2003*

*Jack Brennan*

\_\_\_\_\_  
Jack Brennan  
Reg. No. 47,443

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/001,737      | 12/31/1997  | LEE MIZZEN           | 870109.408          | 7028             |

26161 7590 01/09/2003

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EXAMINER

DEVI. SARVAMANGALA J N

ART UNIT

PAPER NUMBER

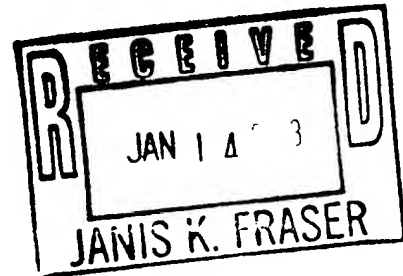
1645

DATE MAILED: 01/09/2003

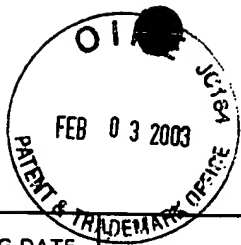
Please find below and/or attached an Office communication concerning this application or proceeding

## DOCKETED BY PRACTICE SYSTEMS

Action Code Sequence Listing (i.e.)  
Base Date 1-9-03  
Due Date 2-9-03  
Deadline 2-9-03  
Initials PEC On



Docketed By Billing Secretary  
Due Date: 2/9/03  
Deadline: 2/9/03  
Initials: NBS



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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/001,737    | 12/31/97    | Mizzen et al.         | 870109.408          |

|                |              |
|----------------|--------------|
| EXAMINER       |              |
| S. Devi, Ph.D. |              |
| ART UNIT       | PAPER NUMBER |
| 1645           | 19           |

DATE MAILED:

TECH CENTER 1500/2900

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Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

1) The instant application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, the instant application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. It should be noted that 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" and in the text of the description and claims. See M.P.E.P 2431.

(A) The instant specification recites nucleic acid sequences that contain more than ten nucleotide bases, yet does not identify the sequences by sequence identifiers or SEQ ID numbers as required under 37 C.F.R 1.821(d). For example, the nucleic acid sequences recited on pages 38-41 are not identified by SEQ ID numbers. Applicants must provide appropriate amendments to the specification or drawings inserting the required sequence identifiers. If the amendments are extensive then a substitute specification may be required.

(B) This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R 1.821(c). Applicants must provide an initial paper copy or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc)

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sequence listing and, where applicable, includes no new matter, as required by 37 C.F.R 1.821(e), 1.821(f), 1.821(g), 1.825(b), and 1.825(d).


2) APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD OF TIME FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R 1.821(g). Extensions of time may be obtained under the provisions of 37 C.F.R 1.136. In no case may an Applicant extend the period of reply beyond the SIX MONTH statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (703) 308-9347. The Examiner can normally be reached on Monday to Friday from 7.45 a.m to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system. A message may be left on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

January, 2003

  
S. DEVI, PH.D.  
PRIMARY EXAMINER



Application No.: 09/001,737

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences recited in the specification, for example on pages 38-41, must be identified by SEQ ID numbers.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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